



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] DECISION
[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed September 22, 2015, under Wis. Admin. Code § DHS 10.55, to review a decision by the Continuum in regard to Medical Assistance, a hearing was held on December 17, 2015, at New Richmond, Wisconsin. Hearings scheduled for October 14, 2015, and November 18, 2015, were rescheduled at the petitioner's request.

The issue for determination is whether the petitioner remains eligible for placement in an adult family home.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Continuum
28526 US Hwy 14
Lone Rock, WI 53556

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of St. Croix County.

2. The petitioner receives Family Care Medical Assistance benefits through his CMO, Continuus.
3. The petitioner no longer meets the nursing home level of care. *DHA Decision No.* [REDACTED]
4. Continuus's contract with the state allows reimbursement for placement in an adult family home only for those who meet the nursing home level of care.

DISCUSSION

This is a companion case to *DHA Decision No.* [REDACTED] which determined that the petitioner is not eligible for Family Care Benefits at the nursing home level of care. Continuus, the CMO that administers his benefits, contends that because he no longer meets the nursing home level of care, it must stop paying for his placement in an adult family home.

The benefits Continuus must provide are laid out in its contract with the Department of Health Services. That contract indicates that there are two levels of eligibility for Family Care Benefits, the nursing home level of care and the non-nursing home level of care. *2015 Family Care Programs Contract*, § III.A.3.b. Those eligible for benefits at the nursing home level of care receive the benefit package identified in Addendum X.A. and B. of the contract, while those eligible at the non-nursing home level of care receive the benefit package identified in Addendum X.B. Only Addendum X.A. allows reimbursement for adult family home placements. *See* § 16.a. Because benefits from this section are only available to those at the nursing home level of care, I must uphold Continuus's decision to end the petitioner's adult family home placement. .

CONCLUSIONS OF LAW

The petitioner is not eligible for continued placement in an adult family home because that benefit is only available to those who meet the nursing home level of care, which the petitioner no longer does.

THEREFORE, it is

ORDERED

The petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

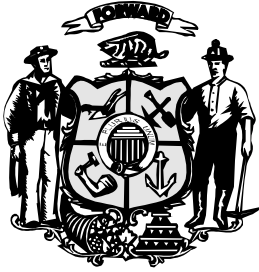
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in

this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 6th day of January, 2016

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on January 6, 2016.

Continuus

Office of Family Care Expansion

Health Care Access and Accountability